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June 11, 2020

BY ECF

Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Cohen v. Capital One Funding, LLC et al.*
Case No.: 1:19-cv-03479- KAM-RLM

Dear Judge Matsumoto:

This firm represents Defendants Capital One Funding, LLC, The Bank of New York Mellon, solely in its capacity as trustee of Capital One Master Trust, and Capital One Multi-Asset Execution Trust (collectively, "Defendants") in connection with the above-referenced litigation. I write on behalf of Defendants in response to Plaintiffs' letter dated June 10, 2020, regarding the ruling issued in *Administrator of the Uniform Consumer Credit Code v. Marlette Funding et al.*, Case No. 2017-cv-30376 ("Marlette Funding"). Plaintiffs' letter appears to violate this Court's April 28 Order. Defendants respectfully request that, if the Court chooses to consider Plaintiffs' letter, it also consider this letter.

The ruling in *Marlette Funding* has no application to this case. *Marlette Funding* involves the sale or assignment of loans. In this case, by contrast, the national bank that originated the loans at issue (Capital One Bank (USA), N.A.) still owns those loans. Capital One Bank (USA), N.A. sold only the loan receivables and retained the loans themselves.

Respectfully,

/s/ Cameron S. Matheson

Cameron S. Matheson

cc: Counsel for Plaintiffs (by ECF)